# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/923,588 | 08/07/2001 | Thomas E. Tahan | 5181-75900 | 2724 |

7590          10/26/2006

Rory D. Rankin
Conley, Rose, & Tayon, P.C.
P.O. Box 398
Austin, TX 78767

| EXAMINER |
|---|
| PYZOCHA, MICHAEL J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2137 | |

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Advisory Action<br>*Before the Filing of an Appeal Brief* | Application No.<br>09/923,588 | Applicant(s)<br>TAHAN, THOMAS E. |  |
|---|---|---|---|
|  | Examiner<br>Michael Pyzocha | Art Unit<br>2137 |  |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>17 October 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>4</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

EMMANUEL L. MOISE<br>SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 10/17/2006 have been fully considered but they are not persuasive.

Applicant argues that the VPN does not correspond to a firewall. With respect to this argument Applicant is directed to the definition of a firewall given by the Microsoft Computer dictionary: "A security system intended to protect an organization's network against external threats, such as hackers, coming from another network, such as the Internet. Usually a combination of hardware and software, a firewall prevents computers in the organization's network fro communicating directly with computers external to the network and vice versa." Therefore, based on this definition, the VPN of Bots is acting as a firewall by processing all traffic to prevent the computers of different networks from communicating directly.

Applicant argues that Bots fails to disclose "changing the first PCS in the first data packet to an outgoing PCS specified by the first rule, in response to determining the first incoming PCS matches the second incoming PCS", however, Bots teaches this limitation in column 6 lines 37-48, column 7 lines 1-19 and column 8 lines 5-14 where the cited portion of column 8 teaches changing an incoming PCS to an outgoing PCS.

Applicant argues that Bots discloses, at most, two comparisons as opposed to the three as claimed, however, Bots teaches that when a packet is received at a VPNU interface, it is determined whether the source and destination addresses for the data packet are members of the same VPN group (e.g. Col 7, lines 1-4). Further, the data packet(s) may be discarded if it is not from an identified member of a VPN group supported by the VPNU (Col 8, lines 2-4). Thus, Bots teaches discarding a first packet if it is not a member, or a subset of, the VPN group(s) (community set(s)) acceptable for interface receipt (the determining and discarding limitations of claim 1). Further, Bots teaches that if a data packet has an incoming PCS, which matches a second incoming PCS, the data packet is processed in accordance with the encryption, authentication, and compression techniques of such VPN group, or community set (Col 6, lines 37-48). Accordingly, the data packet is readily acceptable as it is passed through the firewall from a receiving VPNU (e.g. 250) to a terminal VPNU (e.g. 252) (the comparing and changing limitations of claim 1). Finally, Bots teaches that the terminal VPNU (e.g. 252) will identify the outgoing PCS via the compression, authentication, and encryption techniques to ascertain a VPN group and determine whether the packet is allowed to be transmitted to the destination community it is intended for, prior to transmitting the data packet over to the destination community (the final comparing limitation of claim 1).